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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS EFRAIN PEREZ,

Defendant.

CASE NO. 1:21-CR-00179-NONE-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 24, 2022
TIME: 9:30 a.m.
COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference regarding the mental competency of the defendant on May 20, 2022. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 11, 2022 to May 20, 2022, inclusive, was deemed excludable pursuant to 18 U.S.C. § 3161(h)(4), for "delay resulting from the fact that the defendant is mentally incompetent . . . to stand trial" and because good cause existed for the continuance of a status conference, and time was further excluded as the ends of justice outweighed the interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A). Doc. 39.

2. On March 17, 2022, due to the unavailability of the court, the court continued the status

1 conference to June 24, 2022 at 9:00 a.m., but a time exclusion for purposes within which trial must
2 commence was not addressed.

3 3. By this stipulation, defendant and the government now move to exclude time between
4 May 20, 2022 and June 24, 2022.

5 4. The parties agree and stipulate, and request that the Court find the following:

6 a) The ends of justice served by continuing the case as requested outweigh the
7 interest of the public and the defendant in a trial within the original date prescribed by the
8 Speedy Trial Act.

9 b) Having found by a preponderance of the evidence that the defendant is presently
10 incompetent to stand trial, the Court ordered the defendant committed to the custody of the
11 Attorney General for a period of four months for treatment in a suitable facility, pursuant to 18
12 U.S.C. § 4241(d).

13 c) The defendant's mental health status has not been resolved and the parties cannot
14 proceed to trial on the case until defendant's mental health status is resolved.

15 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of May 20, 2022 to May 20, 2022,
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(4), for "delay resulting from
18 the fact that the defendant is mentally incompetent . . . to stand trial" and because good cause
19 exists for the continuance of a status conference, and time should be further excluded as the ends
20 of justice outweigh the interest of the public and the defendant in a speedy trial pursuant to 18
21 U.S.C. § 3161(h)(7)(A).

22 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25 IT IS SO STIPULATED.
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1 Dated: May 2, 2022

PHILLIP A. TALBERT
United States Attorney

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3 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

4
5 Dated: May 2, 2022

6 /s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Counsel for Defendant
CARLOS EFRAIN PEREZ

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10 **ORDER**

11 IT IS SO FOUND.

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13 IT IS SO ORDERED.

14 Dated: **May 3, 2022**

15 
UNITED STATES DISTRICT JUDGE